

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SHANTEL L. STEWART**

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§

**vs.**

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**CIVIL ACTION 6:15cv878**

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**COMMISSIONER, SOCIAL**

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**SECURITY ADMINISTRATION**

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**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED  
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 14, 2017.

Having made a *de novo* review of the objection filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objection is without merit. In her objection, Plaintiff asserts that the Report and Recommendation does not consider her assertion that she has a limited ability to twist. On the contrary, the Report and Recommendation notes Plaintiff's assertion that her residual functional capacity ("RFC") should have included a restriction on twisting<sup>1</sup> and provides analysis for the conclusion that the ALJ's RFC finding is supported by substantial evidence. The ALJ's opinion concerning Plaintiff's RFC is entirely consistent with the opinions of the medical experts and Plaintiff's treating physician. The ALJ

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<sup>1</sup> See Report and Recommendation of the United States Magistrate Judge, ECF 21, at \*12.

appropriately considered Plaintiff's allegations of back pain and its resulting limitations. The ALJ applied the correct legal standards and the decision is supported by substantial evidence. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

**ORDERED** that Plaintiff's objection is **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **22** day of **September, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge